

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3559

IN THE MATTER OF:

Served September 19, 1990

Application of EXECUTIVE COACH, )  
INC., for Temporary Authority to )  
Conduct Charter Operations Pursuant )  
to Contract with White Flint North )  
Limited Partnership )

Case No. AP-90-44

By application filed September 18, 1990, Executive Coach, Ltd. (ECL or applicant), seeks temporary authority to transport passengers in charter operations pursuant to a contract with White Flint North Limited Partnership (White Flint North). The contract provides for the transportation of passengers in fixed-route, unscheduled shuttle service between the White Flint Metro Station and neighboring office locations in the White Flint area, all points within Montgomery County, MD.

During the "Initial Term" of the contract, the proposed service would be conducted using one 1986 vehicle seating 27 passengers and one 1985 vehicle seating 20 passengers. During the "Extended Term" of the contract, ECL would replace those two vehicles with two "new wheelchair lift-equipped buses with seating capacity modified from the original twenty plus to accommodate 15 passenger seats and one wheelchair plus lift equipment." The contract calls for the service to commence October 1, 1990, conditioned upon approval of WMATC.

The proposed service would operate between 7 a.m. and 6 p.m., Monday through Friday, except for certain specified holidays. Two vehicles would operate simultaneously over the route, maintaining approximately equal headways, estimated to be about 7-1/2 minutes. The route may be changed by mutual agreement. Passengers using the service would not be required to pay any fare.

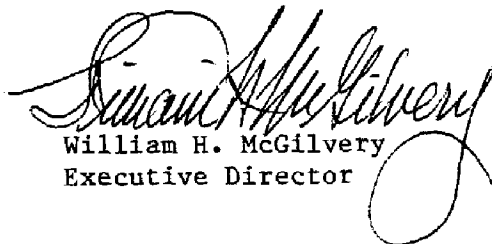
According to a notarized letter of support submitted by White Flint North, it "is contracting with Executive Coach, Ltd. to provide this service as a result of a condition imposed upon White Flint North by the Montgomery County Planning Board . . . relating to traffic mitigation in the area." The contract contemplates that White Flint North will enter into related agreements with the Maryland National Capital Park and Planning Commission and the General Services Administration.

The standards for temporary authority are set forth in the Compact, Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no other carrier capable of meeting such need, and (3) fitness of the applicant.

This order will provide notice of ECL's application, and a brief period will be established for the filing of protests, if any. Each protest must be accompanied by all evidence and argument upon which protestant would rely. No extension of time will be granted. The application is available for inspection at the office of the Commission during its regular business hours.

THEREFORE, IT IS ORDERED that any person desiring to protest this application shall file a notarized protest in conformance with Commission Rule No. 14, together with all evidence and argument on which protestant would rely, at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, September 28, 1990, and simultaneously shall serve a copy of such protest and evidence and/or argument on applicant's counsel, Alan B. Moldawer, Esquire, 30 Courthouse Square, Suite 300, Rockville, MD 20850.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director